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SUBJECT: JUST AHEAD OF PRESIDENTIAL ELECTION, COURT RELAXES
VOTING RULES

REF: JAKARTA 01135 AND PREVIOUS

11. (U) This message is Sensitive but Unclassified -- Please handle accordingly.

12. (SBU) SUMMARY: Just ahead of the July 8 presidential election, Indonesia's Constitutional Court has decided to allow voters who are not registered on the voter list to cast ballots by showing their national identity cards. According to NGOs, millions of eligible voters were disenfranchised during April's legislative elections because their names were left off the list. This situation became a political issue as President Yudhoyono's opponents used it to imply that his administration had deliberately manipulated the list. It will be difficult for the Election Commission to implement the Court's ruling at such short notice. END SUMMARY.

COURT RULING JUST AHEAD OF ELECTION

13. (SBU) Voters, political parties and candidates alike welcomed the Constitutional Court's July 6 decision to allow unregistered voters to vote using identity cards in the July 8 presidential election. The Court decided that the poor quality of the much criticized voter list denied many their constitutional right to vote. The Court ruled in favor of two lawyers who sued after being denied the right to vote in the April 9 legislative elections because--despite having registered--their names did not appear on the voter list. The Court's decision came two days before the presidential election.

14. (SBU) Election Day is a national holiday and the streets of Jakarta are already emptying as voters begin heading back to their villages to vote. All voters are required to vote in their home voting district. Unregistered voters must go to the polling stations early in the morning to provisionally register by showing their identity cards, while voters living abroad can use their passports. Unregistered voters will be allowed to cast their ballots only during the last hour of voting. Voter turnout in Indonesia is traditionally high and this decision may result in an even higher turnout. (Note: Roughly 75% of registered voters voted in the 2004 presidential election and roughly 70% in the recent legislative elections.)

VOTER LIST IRREGULARITIES BECOME A CAMPAIGN ISSUE

15. (SBU) Yudhoyono's opponents in the presidential race--former president Megawati and Vice President Kalla--have been expressing concern re the voting list for months. Megawati's party, the Indonesian Democratic Party of Struggle (PDI-P), and Kalla's party, Golkar, have repeatedly asked the National Election Commission (KPU) to revise the voter list, and the KPU reassured them that it has done so.

PDIP officials and others claimed, however, that the government had still not made the final voter list available, though the law requires this.

¶6. (SBU) The opposition's political pressure peaked on July 6 before the court ruling when Megawati and Kalla made unannounced visits to the KPU, demanding that it immediately fix problems with the registry. As a result of this discussion, the KPU commissioners signed a letter supporting the petition before the Court for the use of identity cards to vote. The Court ruled in favor of that hours later.

PROBLEMS EXPECTED WITH IMPLEMENTATION

¶7. (SBU) Although most feel that this decision was long overdue, some observers sounded a note of caution. The KPU supported the petition under enormous political pressure. It is already overwhelmed by the technical demands of election administration and will have a difficult time logistically implementing this decision consistently. The decision's timing, 36 hours before the election, leaves the KPU no time to create and distribute procedural guidance. That said, most agreed with President Yudhoyono, who declared that the ruling "is a smart choice and the right verdict, and a solution to ensure the successful running of the presidential election."

HUME